Education and Training Bill 193-1

I support the general intent of this bill, as previous legislation is now outdated in some wording, and there are so many different pieces of legislation related to education that it makes sense to bring them all together in a more accessible format.

I wish to make the following comments:

Section 37 – Long-term exemptions from enrolment

This section replaces Section 21 in the current 1989 Act, the chief segment of the law which governs the home education (homeschooling) of students.

In subsection 1, the new wording says: “The Secretary may…”, replacing “An employee of the Ministry designated by the Secretary for the purpose (in this section and section 26 referred to as a designated officer) may…”

This wording ignores the reality that exemptions are granted, not by the Secretary, but by staff in 11 regional offices on a completely independent basis. This is important because, when considering appeals as discussed below, it would make no sense to appeal “the Secretary’s decision” to the Secretary.

In Section 21 of the current Act, subsection 3 allows parents the right of appeal to the Secretary if an exemption application is declined by their regional office. This has been entirely omitted from the Bill, and I believe it should be included.

The right of appeal to the Secretary allows for the review of the application and related information and processes by an independent source – both the Secretary’s representative in the national office, and also a review by ERO, which is mandated in such cases by the current Act.

Without this right of appeal, there is nothing to prevent individual regional offices, who have complete autonomy in regard to exemptions, from acting inappropriately or unfairly. While this may be a relatively rare occurrence, it does happen from time to time.

Therefore, the right of appeal must be preserved.

*Recommendations:*

* That the following wording be included in Section 37:

**“If a designated officer refuses to grant a certificate under subsection (1), the applicant parent may appeal to the Secretary who, after considering a report on the matter from the Chief Review Officer, shall confirm the refusal or grant a certificate.”**

* That subsection 1 reflect the fact that a designated officer issues exemptions, and not the Secretary.

Section 38 – Exemption from enrolment of a student who has turned 15

This section of the law is for 15-year-old students enrolled in a school who, for various reasons, are better off being allowed to move on to other learning, employment, or an alternative. This type of exemption is known as an Early Leaving Exemption, or ELX.

I wish to discuss it in respect of home educated students.

A 15-year-old home educated student, exempt under Section 37, cannot (with rare exceptions) gain an ELX. This long-standing problem prevents these students from moving on to further study or training, or to full time employment, even though that may be what is most appropriate for that student at that time.

They are unable to gain an ELX, because the wording of Section 38 does not fit home educated students – that on the basis of their educational problems, conduct, and likely benefit from attending available schools, it is sensible to exempt them from the requirement to be enrolled. Most home educated students have neither educational problems nor conduct issues, and do not wish to attend a school (or they would simply enrol).

The Ministry expects home educated parents to direct their children’s learning and experiences in a way that best befits the student and prepares them for future gainful employment. But at the same time, there are barriers to parents being able to do that, as their 15 year old students cannot gain access to available alternative training or employment, which may take them onto the next logical stage in their learning progression and may be beyond the scope of what is available in the home, because by moving on to those things it places the student, family and training provider or employer in breach of multiple sections of the law.[[1]](#endnote-1)

This situation results in significant inequality and frustration for students and their families, when the student is ready to move on and is motivated by the available option.

15-year-old home educated students are often ready to move on to employment or tertiary training, or courses of various kinds; preventing them doing so is unreasonable. Because home education allows for flexibility in approach, often students of that age have already completed all the schoolwork they need to prepare for the next step. Forcing them to waste another year unnecessarily is unfair.

Nationwide, there are between 400 and 560 home educated students who are 15 years old at any given time.[[2]](#endnote-2) Of these, only a small portion will desire to move on to alternative education or employment during that year. But for those students, the freedom to do so is very important! Therefore, the following recommendation will remove the current unreasonable barriers:

*Recommendation:*

The wording of Section 38 has never fit the situation of home educated students, which is why they are unable to gain an ELX. Therefore, rather than alter Section 38, I recommend that an additional subsection be added to Section 37 (which governs home educated students) with the following wording:

**A student exempt under Subsection (1) who has attained the age of 15, may engage in full or part time employment or be enrolled in any alternative or tertiary education programme for which they are eligible on the same basis as a student who has been exempt under Section 38, if--**

**(a) the parent is satisfied that the student has completed their home education to an appropriate level; and**

**(b) the student has a satisfactory offer of employment or access to training or alternative education**

Summary:

I ask that Section 37 include the following as recommended:

* Wording that acknowledges that a designated officer grants exemptions
* The right of appeal to the Secretary if an exemption is declined, which would include a review by ERO
* That 15 yo home educated students be able to move on to alternative training or employment as if they had been exempted under Section 38

Thank you for considering my submission.

1. Sections 34, 35, 37 and 52 of the Bill [↑](#endnote-ref-1)
2. Education Counts: Number of (homeschooled) students by Gender, Ethnic Group and Age 1998-2019 <https://www.educationcounts.govt.nz/statistics/schooling/student-numbers/homeschooling> [↑](#endnote-ref-2)